CERTIFICATE OF SERVICE

I certify that I mailed the foregoing enclosures:

NOTICE OF APPEAL - 1 original & 4 copies
FILING FEE - $ 105.00

to the United States District Court for the Northern District of California, by delivery of a true, full and exact copy on November 10, 1997 by means of the U.S. postal certified mail service.

Mr. Richard W. Wieking
Clerk United States
District Court
Northern District of
California
450 Golden Gate Avenue
San Francisco, CA. 94102

By "s/ Miguel A. Ascarrunz"
Miguel A. Ascarrunz

APPENDIX F

FILED
OCT 21 1997
RICHARD W. WIEKING
CLERK U.S. DISTRICT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Miguel A. Ascarrunz — BILL OF COST

V — Case Number C960625VRW

Bechtel Power Corp.

Judgment having been entered in the above entitled action on 10/9/97 against Plaintiff Miguel A. Ascarrunz the clerk is requested to tax the following as costs:

Other cost (please itemize)..	$ 1,747.45
Total	$ 1,747.45

SPECIAL NOTE: Attach to your bill and itemization and documentation for requested cost in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing cost are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually performed. A copy of this bill was mailed today with postage prepaid to: Miguel A. Ascarrunz

Signat.of Attorney "s/Charles P McCarthy"
Name of Attorney Charles P. McCarthy
For Bechtel Pwr. Corp. Date 10/20/97

Cost are taxed in the amount of $ 1,747.45 and included in the judgment.

Richard W Wieking by "s/ Winy Hon 11/7/97"
Clerk of the Court Deputy Clerk

BECHTEL
50 Beale Street
San Francisco CA 94105-1895

Mailing Address PO box 193965
San Francisco CA 94119-3965

February 13,1998

Miguel A. Ascarrunz
651 NE Polk Station Road
Dallas, OR 97338-9747

Re: Ascarrunz v. Bechtel Power Corporation

Dear Mr. Ascarrunz:

Please contact me immediately to discuss your payment of the costs which the court has ordered you to pay Bechtel.

Yours very truly,

"s/ Ch P McCarthy"
Charles P. McCarthy
Counsel

CPM/bam

APPENDIX G

BECHTEL

Interoffice Memorandum

To Miguel A. Ascarrunz
Emp # A86140

File No. Confidential

Subject
Holding Status-
Hartwell Project

Date April 2, 1993

From V. R. Marathe

Copies To
D. Patel
Adams,
C.A. Quist
K.J. Yule

At Gaithersburg D. M.
Ext 3205
7A7

This letter is issued to confirm our discussion on April 2, 1993, concerning your end of assignment on the Hartwell project. I **regret to inform you that we have been unsuccessful in locating another position.** In order to offer you the opportunity to retain your continuous service while awaiting possible reassignment, we are placing you on holding status for a 3 month period. Your last day worked will be April 30, 1993 and the effective date of your holding status will be May 3, 1993. In the event your holding status is not extended beyond 3 months, you will be laid off effective Aug 3, 1993.

I have ask our Human Resources Department to assist you in exploring other jobs within Bechtel as well as to suggest outside opportunities, Please contact Kay Hand, Ext. 4242 for assistance with your outplacement. In addition, please contact Brenda Kisner, ext. 3447 for assistance with your employees benefits.

We appreciate the help you have provided to this department and hope we will have early success in obtaining a suitable position for you.

"s/ V. R. Marathe"
V.R. Marathe

VRM/bav

April 18, 1993

Miguel Ascarrunz
151-41 Willowdale Dr.
Frederick, MD 21702

Mr. V.Marathe
9801 Washingtonian Blvd.
Gaithersburg, MD 20878-5356

Mr. Marathe:

I received notice from you that I will be on "holding status" for three (3) months, effective April 30, 1993. In the event that Bechtel doesn't have any work for me I will be permanently laid-off after the three months.

Due to my economical circumstances I can not survive on my unemployment pay from the state of Maryland, only. Therefore, you and your staff force me to retire from the Bechtel Corporation.

I believe that you and your staff's action is due to my diagnosis or my history of having cancer. For your information, the state and federal laws protect me as a cancer survivor from employment discrimination (see attached booklet). In the near future, I will file a complaint under the federal law to protect my individual rights.
In the meantime, initiate the required termination papers so I can retire from the Bechtel Corporation on April 23, 1993.

"s/ Miguel Ascarrunz"
Miguel Ascarrunz

cc: Michael Hart/Davis -Attorney at Law
Lyle Padgett
Brenda Kisner

BECHTEL

Interoffice Memorandum

To Miguel A. Ascarrunz
Emp # A86140

File No. Confidential

Subject
Holding Status-

Date April 20, 1993

From V. R. Marathe

Copies To
L. Padgett
B. Kisner

At Gaithersburg
Ext 3205
7A7

This is in response of your letter April 18, 1993. The need for issuance of the holding status letter to you, dated April 2, 1993, is a direct result of the lack of work within the Gaithersburg regional office. The intent of holding status is to allow you the opportunity to retain your continuous service, while awaiting potential reassignment. Due to the fact that a significant portion of the Electrical discipline is presently de-staffing, placing you on holding status gives my staff the opportunity to actively and responsible pursue job openings which you may qualify to fill. Human Resources can also assist you with their outplacement services during this time. While on holding status, you are also eligible to continue receiving certain company paid insurance benefits. If it is your desire to elect retirement in lieu of holding status that is your personal choice, which I will honor. I do want to reiterate that the choice of retiring is yours.

The downsizing in Electrical discipline started in September of 1992 and is continuing. You were among those to experience the impact of this in the fall of '92. Upon return from your short term disability in October, we were unable to return you to the Browns Ferry project in

Athens due to lack of work on this specific project. We managed to transferred you to Gaithersburg for an assignment on the Masspower project. Upon completion of this assignment, you were transferred to the Hartwell project, also in Gaithersburg, for the last four (4) months. During this time, various projects were de-staffing and there are not enough new projects requiring personnel to effectuate smooth transfers. This lack of new assignments causes us to put people, such as yourself, on holding status.

When placing persons on holding status, it is the Chief's responsibility to evaluate the existing performance/ranking system and place persons as they are released from projects', according to performance ranking.

The circumstances resulting in the issuing of your holding status letter is in no way related to your diagnosis or history of having cancer, as you stated in your letter. **Bechtel based its decision on a evaluation of your performance and ranking.** Your ranking remained essentially same before and after your diagnosis, indicating that your illness had nothing to do with your performance/ranking. In short, Bechtel's decision with respect to your employment has nothing whatsoever to do with your condition.

In conclusion, at the request of your letter, I have requested that Human Resources proceeds with the processing of your retirement, effective April 23, 1993.

"s/ V. R. Marathe
V.R. Marathe

Excerps of the letter from Dianne M. Adams (Employee of respondent) to the Equal Employment Opportunity Commission, dated May 31, 1994

Mr. Ascarrunz elected early retirement instead of Holding Status. Because of this, the electrical discipline staff did not pursue potential job opportunities for Mr. Ascarrunz.

Bechtel has had a declining workforce in the electrical engineering discipline since 1992. From 1992 until April 2,1993, management was able to transfer Mr. Ascarrunz to the Gaithersburg office and place him on two separate project. At the conclusion of the project assignment on April 2,1993, there were no new assignments available. Therefore, Mr. Ascarrunz was notified he would be place on holding status.

It was clearly explained to Mr. Ascarrunz that, according to Bechtel policy, the decision to place him on holding status was due to lack of available work. Workforce ranking is a key-element in determining individuals to be laid off. As stated earlier, the intend of the ranking system is to identify where employees stand in relationship to their peer group. In 1992, the year of his retirement, Mr. Ascarrunz was ranked on the bottom of his peer group.

In April 1993, there was one lay off, a caucasian male, age 48. There was one person who elected to resign in lieu of lay off, a caucasian male, age 49. Mr Ascarrunz elected to retire in April 1993. While the above employees were still employed the average age of the relevant group was 49.9 and the medium age was 48.5. After the three employees left, the average age was 49.5 and the medium age

48.7. Therefore, age discrimination is not an issue.

Further, Mr. Ascarrunz was one of two hispanic supervising hispanics. The remaining supervising designer, age 64, was ranked in level two at the time Mr. Ascarrunz retired.

Position Statement

It is clear that Mr. Ascarrunz was not laid off, rather, he elected to retire instead of accepting holding status while awaiting possible re-assignment. **The decision to place him on holding status was based on his position on ranking and the availability of work.** His grade and salary reflect his duties and performance, not his race like he alleges.]

Considering the above, Mr. Ascarrunz was not discriminated against either on the basis of age or race. We respectfully request that the charge filed by Mr. Ascarrunz will be dismissed.

BECHTEL
Interoffice Memorandum
To Miguel A. Ascarrunz *File No.* Personal

Subject
Holding Status-

Date May 11, 1992

From S. Pietrzyk

Copies To

At Gaithersburg
Ext 3205
7A7

I am pleased to enclose your Employee Status Notice including a salary increase effective May 11, 1992.

I regret that the circumstances do not permit me to hand it to you personally. Your continued efforts in satisfying our client's needs are very much recognized and appreciated.

I look forward to seeing you in one of my visits to the Athens office.

Keep up the good work!

"S/Stan"
S. Pietrzyk

SP:jwm
Attachment

STEVEN L. HOCK, State Bar No. 1076793
THOMAS M. MCINERNEY, State Bar No. 162055
THELEN, MARRIN, JOHNSON & BRIDGES
Two Embarcadero Center, Suite 2200
San Francisco, California 94111
Telephone: (415) 392-6320
CHARLES P. MCCARTHY, State Bar No. 095750
50 Beale Street, Room 21-B-30
San Francisco, California 94105
Telephone: (415) 768-1068

Attorneys for Defendant
BECHTEL POWER CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. ASCARRUNZ)	Case No.: C 96-0625 VRW
Plaintiff,)	DECLARATION OF VASANT MARATHE IN SUPPORT OF DEFENDANT BECHTEL POWER CORPORATION'S MOTION FOR SUMMARY JUDGEMENT
vs)	
BECHTEL POWER CORP.)	
Defendant)	
)	Date: Sep. 13, 1996
)	Time: 10:30 a.m.
----------)	Courtroom: 3

Accompanying documents: Notice of Motion for Summary Judgement and Memorandum of Points and Authorities in Support of Motion; Declarations of Dianne Adams, Kenneth L. Shaffer and Charles P. McCarthy.

I, Vasant R. Marathe, declare as follows:

1. I am currently The Multi-Project Acquisitions Manager for Electrical and Control Systems for Bechtel Corporation in Gaithersburg, Md.

2. From September 1992 through November 1994, I was chief electrical engineer in Bechtel's Gaithersburg regional

office.

3. As chief electrical engineer, I was responsible for the technical content of electrical work done on Bechtel projects as well as for certain personal functions for electrical engineers and designers reporting to the Gaithersburg office. In particular, I was responsible for the assignment of electrical engineers and designers to Bechtel projects.

4. Beginning in Sep of 1992, there was a downturn in the available work for electrical engineers and designers. Nevertheless, I was successful in locating an assignment for Miguel Ascarrunz in October 1992, when he returned from a disability leave. He was assigned to the MassPower project, temporarily replacing another designer who has become ill. This assignment ended in January of 1993. Again, although we were in a declining work environment, I was able to locate another assignment for Ascarrunz, this time a short-term position providing design support to the lead physical designer on the Hartwell project.

5. Hartwell was a power plant being designed and built in Georgia by Bechtel. Design work was being done in the Gaithersburg office. Normal staffing for a project such as Hartwell often follows a bell curve. Staffing increases to meet peak work loads and then decreases as the project winds down. It was always my understanding and intent that Ascarrunz's assignment to Hartwell would be relatively short to accommodate peak work load.

6. The lead physical designer on the Hartwell project was Kenneth Shaffer, a highly ranked designer with critical computer skills and recent experience with design of fossil fuel plants such as Hartwell. Ascarrunz lacked both significant computer drafting skills and recent experience with the design of fossil fuel plants. Shaffer was responsible for the physical design and layout of the plant, which included routing, electrical cables and locating equipment. Ascarrunz was assigned to assist and report to Shaffer. Shaffer was assigned to the Hartwell project from August 17, 1992 until September 19, 1993. He was the lead physical designer during that entire period. Ascarrunz was never the lead physical designer. Shaffer never reported to Ascarrunz. It was never my intent that Shaffer reported to Ascarrunz.

7. By April of 1993, the workload on Hartwell had decreased sufficiently that there was no longer a requirement for the additional design support provided by Ascarrunz. When Ascarrunz completed his assignment on the Hartwell project, he was not replaced by Shaffer or by anyone else.

8. Because of the overall declining workload, I was unable to immediately locate another suitable assignment for Ascarrunz. Because it was my hope that we might be able within the next few month to locate another assignment for Ascarrunz, I placed him on holding status, rather than laying him off. Holding status provided Ascarrunz with certain insurance and other benefits, while giving my staff the opportunity to actively pursue job openings for which he might be qualified.

9. My decision to place Ascarrunz on holding staff was based solely on the unavailability of a new assignment for him. (Although ranking of employees often plays a role in certain assignment decisions, in Ascarrunz' case, it did not. It was not a question of a higher-ranked employee receiving an available assigment at that time. There simply was no available assignment. In any case, Ascarrunz had been ranked for several years in the lowest group of comparable employees, i.e. Grade 26 supervising designers. In the then-current ranking performance in November of 1992, Ascarrunz was ranked the lowest of all supervising designers. **This is not to say that the decision, to place Ascarrunz on holding status was based on his performance. It was not. His performance over the years has been acceptable.** Had a suitable assignment been open in April 1993, I would have assigned Ascarrunz).

10. On April 2, 1993, I informed Ascarrunz orally and by memo that I was unable to immediately locate an assignment for him and that I was placing him on holding status effective May 3, 1993. A true and correct copy of my memo is attached hereto as Exhibit A. It is possible that another assignment for Ascarrunz might had been located during the 3 months holding status period.

11. In response to my memo to Ascarrunz, I received a memo, a copy of which is attached hereto as Exhibit B, in which Ascarrunz rejected holding status and instead submitted his resignation from Bechtel, effective April 23, 1993.

12. In response to MR. Aacarrunz's memo to me, I send him a memo, a true and correct copy which is attached hereto as Exhibit C, in which I explained in detail the reasons why Ascarrunz has been placed on holding status. I emphasized that the decision to terminate his employment with Bechtel at that time was up to him. In response, he proceeded with his decision to retire from the company.

13. Ascarrunz' age was not a factor in any way in my decision to place him on the MassPower project in 1992 to place him on the Hartwell assignment in January of 1993, or to place him on holding status in April of 1993.

14. I have reviewed a document entitled "ELECTRICAL FORCED RANKING REPORT - November 1992 - Grade 26 - Supv. Designer" a copy of which is attached as Exhibit A to the declaration of Dianne Adams. The first time I saw this document was July 23, 1996. I did not refer to or rely upon this document in making any personal decisions in Bechtel. The ranking reports prepared by my department did not include employee's ages, dates of birth, races or national origins.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24 day of July, 1996 at Gaithersburg, Maryland

"S/ Vasant R. Marathe
Vasant Marathe